

2005 DRAFTING REQUEST

Bill

Received: **04/21/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **matt**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sharing costs of municipal court collection

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 04/26/2005	wjackson 05/11/2005		_____			S&L
/1			rschluet 05/11/2005	_____	lnorthro 05/11/2005	lnorthro 07/11/2005	

FE Sent For:

<END>

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/?	mlief	1 WJ 5/11					
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FE Sent For:

<END>

[Handwritten signature]

4/20

Tc w/
Matt.

AB 365

6-2635

Kedzie

AB 365

enacted

2003 WA 140

- (1) ~~25~~ ^{surcharge} penalty assessment desunk in 757.05 (1) (a)
- (2) \$10 County jail fee - jail surcharge 302.46 (1) (a)
- (3) \$18 mun ct fee
- (4) \$5 State ct fee
- (5) \$7 crime lab fee Crime laboratories and drug enforcement ^{unit}
- (6) \$1355 surcharge - OWI driver improvement ^{surcharge} 346.655 (1)

Needs bill to correct problem.

[Handwritten initials]

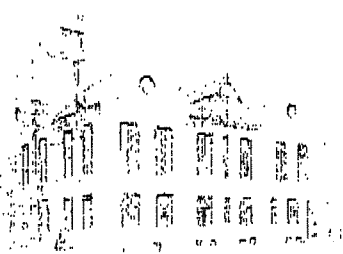
LAKE COUNTRY MUNICIPAL COURT

174 E. Wisconsin Avenue
Oconomowoc, WI 53066

Phone: (262) 569-0920

Fax: (262) 569-0771

website: lcmunict.com/lcmunict.org
email address: clerk@lcmunict.com



Douglas R. Stern
Municipal Judge

Pamela Strunk
Court Clerk

Theresa Berlin
Deputy Clerk

Proudly Serving:

Village of Chenequa

Town of Delafield

Village of Dousman

Village of Hartland

Town of Ixonia

Village of Lac La Belle

Town of Lisbon

Town of Merton

Village of Nashotah

City of Oconomowoc

Town of Oconomowoc

Village of Oconomowoc Lake

Town of Summit

Village of Sussex

October 18, 2004

Senator Neal J. Kedzie
11th Senate District
State Capitol
P. O. Box 7882
Madison, WI 53707-7882

Re: 2003 AB365, 2003 Wisconsin Act 140 Creating
Section 755.21, Wis. Stats.

Dear Senator Kedzie:

Please recall that you were a Senate sponsor of the above captioned bill. Myself and all the representatives of the various communities comprising my court again thank you for the time and effort you put forth in getting this bill passed and signed. Unfortunately, there is some controversy arising out of the drafted language of the new statute. Many people read the newly created statute as indicating the net proceeds, after costs of collection, is the new forfeiture amount. Therefore, the state continues to receive the full amount of its assessments and surcharge. I know that the intent of the bill was to have everyone who is entitled to a share of the forfeiture also share in the cost of collection. Under this interpretation, that does not occur.

We are in a quandary as a result. We assume that the monies we are collecting should be reduced across the board by the cost of collection. I know that was the intent of the bill as reflected in our testimony in both the Assembly and Senate committees. I have been directed by my communities to ask for your assistance in clarifying this issue. Perhaps your office could send me a note back as to your understanding of the intent of the bill.

LAKE COUNTRY MUNICIPAL COURT

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Oconomowoc, WI 53066

Phone: (262) 569-0920

Fax: (262) 569-0771

website: lcmunict.com/lcmunict.org

email address: clerk@lcmunict.com

November 8, 2004

Senator Neal Kedzie
11th Senate District
Room 313 South
State Capitol
P.O. Box 7882
Madison, WI 53707

Re: 2003 Wisconsin Act 140

Dear Senator Kedzie:

I follow up my phone conversation with Matt Phillips of your office on November 1st in response to my recent correspondence regarding the above. In my conversation with Matt, I attempted to clear up some confusion regarding how the language of the Act operates. As I promised Matt, I enclose a copy of the Municipal Court Bond Schedule which allows me to provide you with concrete examples as to how the Act unintentionally operates.

As you know, the Act says that after the cost of collection, the reduced amount collected will be the new forfeiture amount. As you can see in Example #1, a \$102.00 forfeiture is reduced by the 25% collection fee to \$77.20. The only entity paying the cost of collection is the community receiving the fine, and the state receiving the 24% penalty assessment. The county jail fee, court costs, court costs state, and crime lab all remain the same without participating in the cost of collection.

In our case, the cost of collection through Waukesha County is 35%. Example #2 is a drunk driving ticket, carrying an original forfeiture of \$581.00. In this case, \$581.00 is reduced by the 35%, which leaves \$377.65 for distribution. The surcharge charge remains at \$355.00, crime lab at \$7.00, court costs local and state at \$23.00, and the jail fee at \$10.00. Taking all these required costs out, either the community or the state owe a \$17.35 shortfall for issuing a drunk driving ticket that was referred to collection.

377.65
581.00

Douglas R. Stern
Municipal Judge

Pamela Strunk
Court Clerk

Theresa Berlin
Deputy Clerk

Proudly Serving:

City of Oconomowoc
Town of Lisbon
Town of Merton
Town of Oconomowoc
Town of Summit
Village of Chenequa
Village of Dousman
Village of Hartland
Village of Lac La Belle
Village of Nashotah
Village of Oconomowoc Lake
Village of Sussex

Senator Neal J. Kedzie
October 18, 2004
Page 2

I would also invite you to either appear in person or call in at this court's next Operations Committee meeting which is scheduled for Wednesday, November 10th at 2:00 p.m. This meeting will take place at the Village of Oconomowoc Lake Village Hall located at 35328 Pabst Road in Oconomowoc. If you are calling in, the phone number would be (262) 567-5301.

I look forward to hearing from you or seeing you on November 10th. If you have any questions in the meantime, please do not hesitate to contact me at (414) 771-7780 Monday through Thursday, or at other times on my cell phone (262) 227-9779.

Very truly yours,

Douglas R. Stern
Douglas R. Stern

DRS:mcs/

Enc.

cc: Operations Committee
Pamela Strunk-Court Clerk

Purpose - 5 or 10 minutes
How to rework 2003 - Act 140


Senator Neal Kedzie
November 8, 2004
Page 2

Example #3 is a total forfeiture of \$319.00. 35% of that equals approximately \$207.40. Again, the state penalty assessment and the community bear the entire cost of collection, with most of it coming from the community's coffers.

I believe the purpose of the law was to ensure that each portion of the forfeiture would share in the cost of collection, whatever the percentage was. That would be an easy mathematical formula, be it 25%, 35%, or whatever figure applied across the board to the net amount collected. Not only do I believe that the law as written shorts the communities and thereby keeps in place a disincentive to collecting sums due, but it also presents a mathematical nightmare in trying to figure out what is due to whom without calculating each and every item by hand.

I hope this clarifies some of the confusion, and perhaps you will be able to suggest a solution. I believe that this presents a continuing problem for all municipal courts in the state.

Very truly yours,

A handwritten signature in black ink that reads "Douglas R. Stern". The signature is written in a cursive, flowing style.

Douglas R. Stern
Municipal Judge

cc: Representative Ann Nischke
Operations Committee



State Senator

Neal J. Kedzie

11th Senate District

TO: Lonnie Lief

From: Matt

Pages to Follow: 8

Lonnie:

Attached is:

- Your email to me
- Doug Stern's first letter to me
- Doug Stern's follow-up letter to me
- Municipal Court Bail Schedule – the document that references the surcharges and assessments we would like to include.

Please call if you need any additional information.

Sincerely,

Matt Phillips

Phillips, Matt

From: Lief, Madelon *Drafting Arty*
Sent: Wednesday, November 10, 2004 10:52 AM
To: Phillips, Matt
Subject: Amendment to s. 755.21

Matt: I talked to Bob Nelson and have an idea of how to amend s. 755.21 to deal with the problem raised by the judge. After the second sentence in the statute, I would amend the rest of it so that it reads (roughly) as follows: "After paying the collection agency, the municipal court shall retain the cost of collecting surcharges and distribute, on a pro rata basis, the remaining proceeds under s. 66.0114 (1) (bm) and (3) (b) and (c)." [The outstanding question, though, is which surcharges the judge has in mind. It's our understanding that most surcharges go to the state. Perhaps it makes sense to include all surcharges, but that's really a policy call.] *

Lonnie

Madelon (Lonnie) Lief
Senior Legislative Attorney
Legislative Reference Bureau
608-267-7380
madelon.lief@legis.state.wi.us

Put @ 35% cap

Spread cost across all entities

ASSEMBLY BILL 365 (LRB -2429)

An Act to create 66.0114 (1) (d) of the statutes; relating to: authorizing municipal courts to contract with collection agencies and the sharing of collection costs by cities, villages, towns, and counties.

2003

09-18.	A.	Introduced by Representatives Nischke, Foti, Vrakas, Nass, Bies, Friske, Gard, Gunderson, Hines, Jensen, Kestell, Ladwig, F. Lasee, M. Lehman, McCormick, Musser, Ott, Staskunas, Townsend, Van Roy, Taylor, Plouff, Pettis, Weber, J. Wood and Grothman ; cosponsored by Senators Kedzie, Roessler and Stepp .	
05-28.	A.	Read first time and referred to committee on Urban and Local Affairs	217
06-03.	A.	Fiscal estimate received.	
07-15.	A.	Public hearing held.	
09-18.	A.	Assembly substitute amendment 1 offered by Representative Nischke (LRB s0148)	360
10-07.	A.	Executive action taken.	
10-15.	A.	Report Assembly Substitute Amendment 1 adoption recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0	431
10-15.	A.	Report passage as amended recommended by committee on Urban and Local Affairs, Ayes 8, Noes 0	431
10-15.	A.	Referred to committee on Rules	431
10-16.	A.	Placed on calendar 10-21-2003 by committee on Rules.	
10-21.	A.	Read a second time	442
10-21.	A.	Assembly substitute amendment 1 adopted	442
10-21.	A.	Ordered to a third reading	442
10-21.	A.	Rules suspended	442
10-21.	A.	Read a third time and passed	442
10-21.	A.	Ordered immediately messaged	442
10-22.	S.	Received from Assembly	427
10-22.	S.	Read first time and referred to committee on Homeland Security, Veterans and Military Affairs and Government Reform	428

2004

01-14.	S.	Public hearing held.	
01-22.	S.	Executive action taken.	
01-23.	S.	Report concurrence recommended by committee on Homeland Security, Veterans and Military Affairs and Government Reform, Ayes 5, Noes 0	572
01-23.	S.	Available for scheduling.	
02-02.	S.	Placed on calendar 2-3-2004 by committee on Senate Organization.	
02-03.	S.	Read a second time	592
02-03.	S.	Ordered to a third reading	592
02-03.	S.	Rules suspended	592
02-03.	S.	Read a third time and concurred in	592
02-03.	S.	Ordered immediately messaged	592
02-03.	A.	Received from Senate concurred in	673
02-09.	A.	Report correctly enrolled	693
03-09.	A.	Presented to the Governor on 3-9-2004	812
03-11.	A.	Report approved by the Governor on 3-10-2004. 2003 Wisconsin Act 140	872
03-11.	A.	Published 3-24-2004	872

Goes to community

Penalty Assessment

co. fee

ct. fee

state of Ill

MUNICIPAL COURT BAIL SCHEDULE
Effective July 2003

FINE	24% P.A.	JAIL FEE	C.C. - MUNI.	C.C. STATE	CRIME LAB	TOTAL
5.00	1.20	10.00	18.00	5.00	7.00	\$ 46.20
10.00	2.40	10.00	18.00	5.00	7.00	\$ 52.40
15.00	3.60	10.00	18.00	5.00	7.00	\$ 58.60
20.00	4.80	10.00	18.00	5.00	7.00	\$ 64.80
25.00	6.00	10.00	18.00	5.00	7.00	\$ 71.00
30.00	7.20	10.00	18.00	5.00	7.00	\$ 77.20
35.00	8.40	10.00	18.00	5.00	7.00	\$ 83.40
40.00	9.60	10.00	18.00	5.00	7.00	\$ 89.60
45.00	10.80	10.00	18.00	5.00	7.00	\$ 95.80
50.00	12.00	10.00	18.00	5.00	7.00	\$ 102.00
55.00	13.20	10.00	18.00	5.00	7.00	\$ 108.20
60.00	14.40	10.00	18.00	5.00	7.00	\$ 114.40
65.00	15.60	10.00	18.00	5.00	7.00	\$ 120.60
70.00	16.80	10.00	18.00	5.00	7.00	\$ 126.80
75.00	18.00	10.00	18.00	5.00	7.00	\$ 133.00
80.00	19.20	10.00	18.00	5.00	7.00	\$ 139.20
85.00	20.40	10.00	18.00	5.00	7.00	\$ 145.40
90.00	21.60	10.00	18.00	5.00	7.00	\$ 151.60
95.00	22.80	10.00	18.00	5.00	7.00	\$ 157.80
100.00	24.00	10.00	18.00	5.00	7.00	\$ 164.00
105.00	25.20	10.00	18.00	5.00	7.00	\$ 170.20
110.00	26.40	10.00	18.00	5.00	7.00	\$ 176.40
115.00	27.60	10.00	18.00	5.00	7.00	\$ 182.60
120.00	28.80	10.00	18.00	5.00	7.00	\$ 188.80
125.00	30.00	10.00	18.00	5.00	7.00	\$ 195.00
130.00	31.20	10.00	18.00	5.00	7.00	\$ 201.20
135.00	32.40	10.00	18.00	5.00	7.00	\$ 207.40
140.00	33.60	10.00	18.00	5.00	7.00	\$ 213.60
145.00	34.80	10.00	18.00	5.00	7.00	\$ 219.80
150.00	36.00	10.00	18.00	5.00	7.00	\$ 226.00
155.00	37.20	10.00	18.00	5.00	7.00	\$ 232.20
160.00	38.40	10.00	18.00	5.00	7.00	\$ 238.40
165.00	39.60	10.00	18.00	5.00	7.00	\$ 244.60
170.00	40.80	10.00	18.00	5.00	7.00	\$ 250.80
175.00	42.00	10.00	18.00	5.00	7.00	\$ 257.00
180.00	43.20	10.00	18.00	5.00	7.00	\$ 263.20
185.00	44.40	10.00	18.00	5.00	7.00	\$ 269.40
190.00	45.60	10.00	18.00	5.00	7.00	\$ 275.60
195.00	46.80	10.00	18.00	5.00	7.00	\$ 281.80
200.00	48.00	10.00	18.00	5.00	7.00	\$ 288.00
205.00	49.20	10.00	18.00	5.00	7.00	\$ 294.20
210.00	50.40	10.00	18.00	5.00	7.00	\$ 300.40
215.00	51.60	10.00	18.00	5.00	7.00	\$ 306.60
220.00	52.80	10.00	18.00	5.00	7.00	\$ 312.80
225.00	54.00	10.00	18.00	5.00	7.00	\$ 319.00
230.00	55.20	10.00	18.00	5.00	7.00	\$ 325.20
235.00	56.40	10.00	18.00	5.00	7.00	\$ 331.40
240.00	57.60	10.00	18.00	5.00	7.00	\$ 337.60

FINE	24% P.A.	JAIL FEE	C.C. - MUNI.	C.C. STATE	CRIME LAB	TOTAL
245.00	58.80	10.00	18.00	5.00	7.00	\$ 343.80
250.00	60.00	10.00	18.00	5.00	7.00	\$ 360.00
255.00	61.20	10.00	18.00	5.00	7.00	\$ 356.20
260.00	62.40	10.00	18.00	5.00	7.00	\$ 362.40
265.00	63.60	10.00	18.00	5.00	7.00	\$ 368.60
270.00	64.80	10.00	18.00	5.00	7.00	\$ 374.80
275.00	66.00	10.00	18.00	5.00	7.00	\$ 381.00
280.00	67.20	10.00	18.00	5.00	7.00	\$ 387.20
285.00	68.40	10.00	18.00	5.00	7.00	\$ 393.40
290.00	69.60	10.00	18.00	5.00	7.00	\$ 399.60
295.00	70.80	10.00	18.00	5.00	7.00	\$ 405.80
300.00	72.00	10.00	18.00	5.00	7.00	\$ 412.00
305.00	73.20	10.00	18.00	5.00	7.00	\$ 418.20
310.00	74.40	10.00	18.00	5.00	7.00	\$ 424.40
315.00	75.60	10.00	18.00	5.00	7.00	\$ 430.60
320.00	76.80	10.00	18.00	5.00	7.00	\$ 436.80
325.00	78.00	10.00	18.00	5.00	7.00	\$ 443.00
330.00	78.20	10.00	18.00	5.00	7.00	\$ 449.20
335.00	80.40	10.00	18.00	5.00	7.00	\$ 455.40
340.00	81.60	10.00	18.00	5.00	7.00	\$ 461.60
345.00	82.80	10.00	18.00	5.00	7.00	\$ 467.80
350.00	84.00	10.00	18.00	5.00	7.00	\$ 474.00
355.00	85.20	10.00	18.00	5.00	7.00	\$ 480.20
360.00	86.40	10.00	18.00	5.00	7.00	\$ 486.40
365.00	87.60	10.00	18.00	5.00	7.00	\$ 492.60
370.00	88.80	10.00	18.00	5.00	7.00	\$ 498.80
375.00	90.00	10.00	18.00	5.00	7.00	\$ 505.00
380.00	91.20	10.00	18.00	5.00	7.00	\$ 511.20
385.00	92.40	10.00	18.00	5.00	7.00	\$ 517.40
390.00	93.60	10.00	18.00	5.00	7.00	\$ 523.60
395.00	94.80	10.00	18.00	5.00	7.00	\$ 529.80
400.00	96.00	10.00	18.00	5.00	7.00	\$ 536.00
405.00	97.20	10.00	18.00	5.00	7.00	\$ 542.20
410.00	98.40	10.00	18.00	5.00	7.00	\$ 548.40
415.00	99.60	10.00	18.00	5.00	7.00	\$ 554.60
420.00	100.80	10.00	18.00	5.00	7.00	\$ 560.80
425.00	102.00	10.00	18.00	5.00	7.00	\$ 567.00
430.00	103.20	10.00	18.00	5.00	7.00	\$ 573.20
435.00	104.40	10.00	18.00	5.00	7.00	\$ 579.40
440.00	105.60	10.00	18.00	5.00	7.00	\$ 585.60
445.00	106.80	10.00	18.00	5.00	7.00	\$ 591.80
450.00	108.00	10.00	18.00	5.00	7.00	\$ 598.00
455.00	109.20	10.00	18.00	5.00	7.00	\$ 604.20
460.00	110.40	10.00	18.00	5.00	7.00	\$ 610.40
465.00	111.60	10.00	18.00	5.00	7.00	\$ 616.60
470.00	112.80	10.00	18.00	5.00	7.00	\$ 622.80
475.00	114.00	10.00	18.00	5.00	7.00	\$ 629.00
480.00	115.20	10.00	18.00	5.00	7.00	\$ 635.20
485.00	116.40	10.00	18.00	5.00	7.00	\$ 641.40
490.00	117.60	10.00	18.00	5.00	7.00	\$ 647.60
495.00	118.80	10.00	18.00	5.00	7.00	\$ 653.80

[illegible]

~~* Separate~~
fee
out
only
#2

To editing
4/26

2003 - 2004 LEGISLATURE

2857
LRB-2429/1
MJL:kag:qph
WLj:

Due
5/24

5
2003 ASSEMBLY BILL 365

May 28, 2003 - Introduced by Representatives NISCHKE, FOTI, VRAKAS, NASS, BIES, FRISKE, GARD, GUNDERSON, HINES, JENSEN, KESTELL, LADWIG, F. LASEE, M. LEHMAN, MCCORMICK, MUSSER, OTT, STASKUNAS, TOWNSEND, VAN ROY, TAYLOR, PLOUFF, PETTIS, WEBER, J. WOOD and GROTHMAN, cosponsored by Senators KEDZIE, ROESSLER and STEPP. Referred to Committee on Urban and Local Affairs.

Regan

- 1 AN ACT ~~to create~~ 66.0114 (1) (d) of the statutes, relating to authorizing
2 municipal courts to contract with collection agencies and the sharing of
3 collection costs by cities, villages, towns, and counties.

and to the state

Analysis by the Legislative Reference Bureau

Under current law, the municipal court collects forfeitures and certain assessments and surcharges for violations of city, village, and town ordinances and disburses them to the appropriate municipal entities and, in some instances, to the counties. ~~Current law also~~ **No ff**

~~This bill~~ authorizes the municipal court to contract with a collection agency to collect these forfeitures, assessments, and surcharges. ~~The bill also~~ provides that the costs of collection are deducted before the forfeitures, assessments, and surcharges are disbursed. ~~so that the collection costs are shared by the cities, villages, towns, and counties on whose behalf the forfeitures, assessments, and surcharges are collected.~~

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 66.0114 (1) (d) of the statutes is created to read:

(1) This bill requires each entity on whose behalf the forfeitures, assessments, and surcharges are collected to share ~~proportionately~~ the cost of collection in proportion to the entity's entitlement to the amount collected.

③+② ③ ✓

Section #. 755.21 of the statutes is amended to read:

755.21 Collection. The municipal court may contract with a collection agency for the collection of unpaid forfeitures, assessments, and surcharges under s. 66.0114 (1) (a). The contract shall provide that the collection agency shall be paid from the proceeds recovered by the collection agency.

~~The net proceeds that the municipal court receives after the payment to the collection agency shall be considered the amount of forfeitures, assessments, and surcharges collected for distribution under s. 66.0114 (1) (bm) and (3) (b) and (c).~~

History: 2003 a. 140.

For each violation for which a forfeiture, assessment, or surcharge is imposed, the municipal court shall determine the amount to be distributed to each entity under s. 66.0114 (1) (bm) and (3) (b) and (c) as follows:

- ④ ① Calculate the percentage of the total violation amount to which the entity is entitled before the collection agency is paid.
- ④ ② Subtract from the amount collected for the violation the amount paid to the collection agency to collect the violation amount.
- ④ ③ Multiply the remainder under sub. (2) by the percentage under sub. (1).

⑤+②+③

Sec #. Initial Applicability

- ① (#) This act first applies to forfeitures, assessments, and surcharges collected on the effective date of this subsection.

(end)

Northrop, Lori

From: Phillips, Matt
Sent: Monday, July 11, 2005 11:06 AM
To: LRB.Legal
Subject: Jacket for LRB 2857/1

Can you jacket LRB 2857 for introduction in both the Senate and the Assembly. Sen. Kedzie will be introducing the bill in the Senate, Rep. Nischke will be introducing the bill in the Assembly.

Thank you.

Matt Phillips
Policy Advisor
Senator Neal Kedzie
Assistant Majority Leader
11th Senate District